IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4790 OF 1996

R.N.Mhatre and another — Petitioners

versus

The Hon'ble Minister for Food
and Civil Supplies and others — Respondents

Mrs.Poonam P. Bhlsale, adv. for petitioners.
Smt.S.S.Bhende, AGP for respondents 1 to 3

WITH
WRIT PETITION NO.5232 OF 1996

Smt.Manda Baban Mhatre — Petitioner

versus

State of Maharashtra & another — Respondents

None for petitioner.
Smt.S.S.Bhende, AGP for respondents 1 to 4.

CORAM : A.P.SHAH AND
S.C.DHARMADHIKARI, JJ.

DATE : 21st October 2004

PC :

1. These petitions pertain to grant of authorisation for running a Ration Shop at Village Vadvali, Tal.Badlapur, Dist. Thane. Public notices were issued in July 1995 inviting applications for grant of authorisation o run a ration shop. Petitioner in Writ Petition No.4790 of 1996 applied to the Controller of Rationing

for issuance of authorisation.

2. It is the case of petitioner that after scrutiny of all applications they were found fit and eligible. Accordingly, authorisation was issued in favour of petitioners. Respondent no.4 in Writ Petition No.4790 of 1996 who is petitioner in other petition (Writ Petition No.5232 of 1996) filed a Revision Application challenging allotment in favour of petitioners in Writ Petition No.4790 of 1996. The Minister of Food & Civil Supplies, State of Maharashtra by impugned order dated 13th August 1996 confirmed the allotment in favour of petitioners but was pleased to grant authorisation also in favour of respondent no.4.

3. Respondent no.4 in Writ Petition No.4790 of 1996 filed Writ Petition No.5232 of 1996 challenging order passed by the Minister in her favour to the extent that the said order does not allow her to run a ration shop exclusively in the area in question but allows her to run ration shop in the said area along with petitioners in Writ Petition No.4790 of 1996.

4. Both these petitions were admitted. Initially it appears that authorisation in favour

of Mrs.Manda Baban Mhatre, petitioner in Writ Petition No.5232 of 1996, was stayed by this Court but subsequently the interim order passed to that effect has been vacated.

5. We have heard learned counsel appearing for parties. We have perused record including the impugned orders. We are satisfied that the authorities in-charge of implementing the control orders have taken into consideration requirement of residents in the area in question and granted authorisations in favour of petitioners in these petitions. In the peculiar facts and circumstances of this case we cannot acede to the request of petitioners to exclude each other and allow them to run the ration shop exclusively. There is no error or infirmity muchless any perversity pointed out in the exercise of discretion by the respondent no.1.

6. As a result, writ petitions fail. Rule discharged. No order as to costs.

(A.P.SHAH, J.)

(S.C.DHARMADHIKARI, J.)